

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SPECIAL TREE COMMUNITY SERVICES, LLC
d/b/a CC REHAB (Evan Baatz, Bart Daugerty and David Wutke),

Plaintiff,

USDC Case No.: 2:22-cv-12520

-v-

Case No. 22-000985-NF

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

MARTIN A. HOGG (P76312)
Miller & Tishler, P.C.
Attorney for Plaintiff
28470 W. 13 Mile Road, Suite 300
Farmington Hills, MI 48334
(248) 945-1040 Fax: (248) 536-5042
mhogg@msapc.net

JOSHUA T. CHRISTOPHER (P74986)
JULIAN J. HEIDENREICH (P76595)
Zausmer, P.C.
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NOTICE OF FILING REMOVAL

**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF MICHIGAN**

VERIFICATION

CERTIFICATE OF SERVICE

NOTICE OF FILING OF REMOVAL

TO: Clerk of the Court Washtenaw County Circuit Court 101 E Huron St, Ann Arbor, MI 48104	MARTIN A. HOGG (P76312) MILLER & TISCHLER, P.C. Attorneys for Plaintiff 28470 W. Thirteen Mile Road, Suite 300 Farmington Hills, MI 48334
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PLEASE TAKE NOTICE THAT Defendant has, this day, filed its Notice of Removal, copies of which are attached hereto, in the offices of the Clerk of the United States District Court, Eastern District of Michigan, at 231 W Lafayette Blvd, Detroit, MI 48226

ZAUSMER, P.C.

/s/ Joshua T. Christopher
CINNAMON A. PLONKA (P60979)
JOSHUA T. CHRISTOPHER (P74986)
JULIAN J. HEIDENREICH (P76595)
Attorneys for Defendant
32255 Northwestern Hwy, Suite 225
Farmington Hills, MI 48334
(248) 851-4111

Dated: October 20, 2022

NOTICE OF REMOVAL OF CAUSE TO
THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

TO: The United States District Court
Judges of the Above Court

NOW COMES Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, by and through its undersigned attorneys, and pursuant to 28 U.S.C.A. §1332, 1441 and 1446, herewith files the within Notice of Removal pursuant to said statutes for the following reasons:

1. On or about July 20, 2022, Plaintiff Special Tree Community Services, LLC d/b/a CC Rehab filed a Complaint in the Washtenaw County Circuit Court, State of Michigan, which was assigned Case No. 22-000985-NF. (Complaint, Exhibit A).
2. On September 23, 2022, State Farm Mutual Automobile Insurance Company's registered agent, received service of the Complaint via certified mail. (Service of Process, Exhibit B).
3. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served in the State Court Action are attached hereto as Exhibits A, B and C.
4. Upon information and belief, and as alleged in the Complaint, Plaintiff Special Tree Community Services, LLC is a Domestic Limited Liability Company registered to do business in Michigan (Exhibit D; Exhibit A, Paragraph 1).

Therefore, for diversity purposes, Special Tree Community Services, LLC is a citizen of the State of Michigan.

5. State Farm Mutual Automobile Insurance Company is an Illinois corporation with its principal place of business in Bloomington, Illinois. Therefore, for diversity purposes, State Farm Mutual Automobile Insurance Company is a citizen of the State of Illinois. (Paragraph 2, Exhibit E – Answer to Complaint).

6. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest, costs and attorney fees. (Paragraph 3, Exhibit E).

7. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1331, and is one which may be removed to this court by Defendant pursuant to the provisions of Title 28, United States Code, Section 1441 and 1446 in that the Plaintiff herein commenced an action against Defendant and an actual controversy exists in which the rights and legal relations of the parties must be resolved.

8. The time for filing of this Removal under the statutes of the United States has not expired and is herewith made timely, 28 USC 1446(b)(3).

9. Written notice of filing of this Removal has been given to all parties as required by law, and is attached hereto.

10. A true and correct copy of this Removal is being filed with the Clerk of the Court for the Washtenaw County Circuit Court, State of Michigan, as provided for by law.

11. Filed herewith and reference made hereto and made a part hereof, is a true and correct copy of all process and pleadings served upon Defendant.

WHEREFORE, Defendant, State Farm Mutual Automobile Insurance Company, prays by its undersigned counsel, that removal of the within action be effected from the Washtenaw County Circuit Court, State of Michigan, to the United States District Court for the Eastern District of Michigan.

ZAUSMER, P.C.

/s/ Joshua T. Christopher

CINNAMON A. PLONKA (P60979)

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Attorneys for Defendant

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jheidenreich@zausmer.com

VERIFICATION

VERIFICATION

JULIAN J. HEIDENREICH, being first duly sworn, deposes and says that he is the agent and attorney for Defendant, State Farm Mutual Automobile Insurance Company, and that the foregoing Notice of Removal is true in substance and in fact to the best of my knowledge, information and belief.

ZAUSMER, P.C.

/s/ Julian J. Heidenreich

CINNAMON A. PLONKA (P60979)
JOSHUA T. CHRISTOPHER (P74986)
JULIAN J. HEIDENREICH (P76595)
Attorneys for Defendant
32255 Northwestern Hwy, Suite 225
Farmington Hills, MI 48334
(248) 851-4111

Dated: October 20, 2022

Subscribed and sworn to before me
this 21st day of October, 2022

/s/ Madelynn Pokrzywinski

Notary Public
Oakland County,
My commission expires: 3/21/2023

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CERTIFICATE OF SERVICE

Kerry DePriest, an employee with the law firm of Zausmer, P.C. being first duly sworn, deposes and says that on the 6th day of October, she caused a copy of this document to be served upon all parties of record, and that such service was made electronically upon each counsel of record so registered with the United States District Court and via U.S. Mail to any counsel not registered to receive electronic copies from the court, by enclosing same in a sealed envelope with first class postage

fully prepaid, addressed to the above, and depositing said envelope and its contents in a receptacle for the US Mail.

By: /s/ Kerry DePriest
Zausmer, P.C.
Kdepriest@zausmer.com